

City Council Meeting

Minutes

Monday, October 18, 2021 at 6:00 pm

Meeting Location

320 N Main St. Falls City, OR 97344 (or Web Application, in writing)

How to Attend and/or Participate:

- 1. In Person: 320 N Main St. Falls City, OR 97344
- 2. Call-in:
 - a. 1 253 215 8782
 - b. Meeting ID: 986 5676 6387
 - c. Passcode: 585730
 - d. You will be muted but may "raise your hand" to indicate you wish to comment.
- 3. Web Application: Zoom Webinar
 - zoom link
 - a. Passcode: 099970
 - b. You will be muted but may "raise your hand" to indicate you wish to comment during Public Comments.
- 4. Write-In: Using regular mail or email.
 - a. info@fallscityoregon.gov; 299 Mill St. Falls City, OR 97344

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1. CALL TO ORDER & ROLL CALL

Minutes:

The meeting was called to order at 6:02 p.m. Council member Lori Jean Sickles was absent. Councilor Jennifer Drill arrived via zoom at ????

2. PLEDGE OF ALLEGIANCE

Minutes:

Mayor Bailey led the Pledge of Allegiance

3. MOTION TO ADOPT THE ENTIRE AGENDA

Minutes:

A motion was made by Councilor M. Jirovec and seconded by Councilor D. Sickles to adopt the entire agenda. Motion carried 4-0-0-0. Ayes: Tony Meier, Amy Houghtaling, Dennis Sickles, Martha Jirovec.

4. ANNOUNCEMENTS, APPOINTMENTS, APPRECIATION, PROCLAMATIONS

Minutes:

None

5. COMMUNITY & GOVERNMENT ORGANIZATIONS

a. Fails City Public Works Report

Minutes:

No comments

b. Falls City Fire Report

Minutes:

Mayor Bailey wanted to add how wonderful it is that the EMS Training Grant for 2021 will include mental health for patients as well as first responders.

c. Polk County Sheriff's Report

Minutes:

No report was submitted.

6. REPORTS

a. Mayor

Minutes:

Mayor Bailey wanted to thank the Thrives group that help with yard maintenance this past weekend.

Mayor Bailey also wanted to give an update on the Riverside Skate Park. He stated that they plan on having a Townhall meeting towards the end of this year.

b. Council

Minutes:

T. Meier- None

A. Houghtaling- Said that the latest health fair had a very large attendance. Even more than the first one. There were many flu shots given out as well as COVID vaccinations. She wanted to thank everyone for their support.

D. Sickles- Stated that the SOLVe event was amazing, there were many volunteers from the Church of Jesus Crist of Latter-day Saints, as well as the volleyball team and Falls City Residents. He stated that there were 42 total volunteers.

Mayor Bailey added that it was great to see the diversity in age groups.

M. Jirovec- Had a community member recommend a grant regarding getting rid

of invasive weeds, that the Parks and Recreation Committee or to the City Manager. Ms. Jirovec also added that she had a community member who was interested in opening up a coffee shop here in town and stated she would refer them on to the City Manager.

J. Drill- Would like to as about a status update regarding her safety concerns with people parking in the roadway on Ellis St.

Foscoli stated that they are following up on vehicles that are in the right of way. He acknowledged that it is still an issue but reiterated that staff is working on finding a solution.

c. Manager Report

Minutes:

City Manager Foscoli read his manager's report (See exhibit A)

7. CONSENT AGENDA

Minutes:

A motion made by Councilor T. Meier and Seconded by Councilor D. Sickles that the City Council of the City of Falls City accepts the consent agenda approving August 16, 2021, City Council Minutes with changes to page 2, section 9 adding the addition of Jennifer Drill's name, and the Bills. Motion carried 5-0-0-1. Ayes: Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, Martha Jirovec Nays:

a. Approval of the Minutes

b. Approval of the Bills

8. PUBLIC COMMENTS & LETTER COMMUNICATIONS

Minutes:

Mayor Bailey opened public comments at 6:18 p.m.

Jeremy Gordon Falls City Resident and Polk County Commissioner. Commissioner Gordon gave a couple of updates on things that are going on in the County. Forst is they are getting ready to roll out a grant program and communication campaign for folks who want to start an in-home daycare facility. Depending on the license it could have 9 kids or under.

Clow Corner round-a-bout construction will begin in 2022.

A group wants to get together and create a safe passage to Valley of the Giants.

Commissioner Gordon is working with City Manager Foscoli as well as the County's GIS

Specialist to work to get some maps together and meet with some folks to come up

with some options. Gordon welcomes anyone else who wants to join in that endouver.

Public Comments closed at 6:22 p.m.

9. NEW BUSINESS

a. Polk County Cemetery Savers Update

Minutes:

City Manager Foscoli read email communications from Llyod Collins of Polk County Cemetery Savers. (See Exhibit B).

Mr. Collins wanted to bring to the council's attention that there was a noticeable amount of broken glass around the cemetery grounds, he recommends that the council change the cemetery policy to prohibit the use of glass containers on cemetery grounds.

Council asked City Staff to look into the current policy and bring back recommendations on how to update our policy.

b. Best Ever Solutions Business License

Minutes:

A motion was made by Councilor A. Houghtaling and Seconded by Councilor M. Jirovec to move that the City Council of Falls City approve the Business License for Best Ever Business Solutions Motion carried 5-0-0-1. Ayes: Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, Martha Jirovec

Vote results:

Ayes: 5 / Nays: 0

10. OLD BUSINESS

a. Municipal Court

Minutes:

City Manager Foscoli read his agenda report explaining that Falls City council approved entering into a contract with the city of Dallas (See exhibit C) for code enforcement services at the last council meeting on September 13. Starting on October 1, Mark Lapinskas, Dallas' most senior Code Enforcement officer (See exhibit D) has been touring the city along with city staff to familiarize himself with the various levels of code non-compliance that are occurring in the community. As stated previously, his focus will be on health & safety issues as well as engaging with the community to fulfill the city's goal to help educate residents on the health & safety aspect of our municipal code. His other duties will include scheduling mitigating efforts with city assistance for those in noncompliance within 2021. As part of the city's communication plan on code enforcement, Mark will be available at upcoming town halls at the end of October, beginning of December, and beginning of January to answer any questions regarding enforcement of health & safety-related codes. Since no citations will be issued to properties in non-compliance, until they've had the opportunity to voluntarily address their code infractions during the remainder of 2021, Falls City will not be resuming court services until February. These official proceedings will be held at Dallas' municipal court based on an existing IGA (Intergovernmental Agreement).

Mark Lapinskas spoke to the council saying he was excited for the opportunity here and understands and respects the council's desires and wants. He stated that the current focus will be health and safety issues.

Councilor A. Houghtaling added that she, Jamie, and staff would have a lot of knowledge on families and urged Mark to reach out with any questions.

Councilor A. Houghtaling mentioned that the Dallas Code Vehicle was getting a

lot of attention on social media and was curious about getting a magnetic decal for the car that mentioned Falls City, to help residents adjust and get comfortable seeing it. She suggested using Service Graphics in Rickreall.

11. CITIZEN COMMITTEES

Minutes:

Parks and Recreation- Councilor D. Sickels stated that there is not a lot going on in the Fall/Winter months but that the committee is going to focus on planning events for the next season.

Public Works- Councilor T. Meier added that he noticed eight (8) vehicles were tagged and was wondering what the plan was and where they would go.

City Manager Foscoli mentioned that it was a warning and we would work with the owner of those vehicles to find a plan to move them off of the city's right-of-way. Historic Landmark Commission- A Houghtaling stated they are meeting next Thursday, October 28, 2021, at 5:00 p.m.

a. Parks & Recreation, Public Works, Historic Landmarks are all back to in person meetings located at the Community Center.

12. GOOD OF THE ORDER

Minutes:

Councilor A. Houghtaling mentioned that a few months ago she asked to see if staff would do some wage comparisons for City Staff positions. She just wanted to put that back on the radar and hope for it in the future.

Councilor J. Drill wanted to bring up that with Zoom meetings that it is very hard to communicate via zoom. Wanted to see if we can look into other options, stating that it is really hard to hear anyone especially on the left-hand side of the table.

Foscoli asked if she could hear him.

Councilor J. Drill stated that it was very echoey.

Councilor D. Sickles added that he feels it could be just getting familiar with using the microphones.

Mayor Bailey added that if we turned off the mics for the next meeting if that would help, appreciates the feedback.

Mayor Bailey added that next month (November) council would begin City Manager Foscolis's yearly evaluation scheduled for executive session in December. Bailey handed out a timeline for submissions (See exhibit E).

City Manager Foscoli wanted to add that he was not happy with the health coverage offered by the city and wanted to seek the council's approval to opt out and have the cost added to his salary.

Council will decide that during his evaluation.

13. ADJOURN

Minutes:

A motion was made by Councilor D. Sickles and Seconded by Councilor T. Meier that the City Council of the City of Falls City adjourns. Motion carried 5-0-0-0. Ayes:

Jennifer Drill, Tony Meier, Amy Houghtaling, Dennis Sickles, Martha Jirovec. Nays: Meeting adjourned at 7:05 p.m.

Contact: Jamie Ward, City Recorder (jward@fallscityoregon.gov 503-787-3631) | Minutes published on 11/04/2021 at 11:24 AM

Games Word Jamic Ward
City Recorder

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City of Falls City 299 Mill Street Falls City, OR 97344 Ph 503.787.3631

City Manager's Report October 18, 2021

Introduction

As summer has turned into fall, we've had some welcome rain that has relieved the lingering challenges brought on by our (very) hot summer. The burn ban in the county has finally lifted, and long-range weather forecasts predict that we may have an unusually cold winter to look forward to. This most likely means that folks will be indoors more often than not, putting them at greater risk for COVID, as we navigate through spikes in the number of infections. As the FDA is considering approving both the Johnson & Johnson and Moderna vaccines for booster shots (Pfizer has already received approval), we may have an additional tool with which to fight severe infections that lead to hospitalizations. We look forward to being able to collaborate with our healthcare partners to host a booster shot immunization event as soon as it is deemed safe to do so.

Wastewater Project - I have been continuing to attend the regular meetings with the multiorganizational team putting together the ultimate application for financing through USDA-RD. Thanks to the unprecedented federal funding from the American Recovery Plan Act, the city will receive funds that can help in paying for the various required assessments for USDA-RD funding of the project. Thanks to these funds, and the approved CDBG grant dollars we will receive for this project, we are moving forward with the Preliminary Engineering Report (PER). This planning document is required by state and federal funding agencies as part of the process of obtaining financial assistance for development of drinking water, wastewater, solid waste, and stormwater facilities. In addition, based on guidance from our state and federal partners, we will apply part of the CDBG funding to pay for USDA's Cultural Resource Survey, and the USDA SEARCH grant to pay for the aforementioned PER. This will ensure that all grant funding options available to the city are applied for eligible portions of the project, in order to meet all state and federal requirements. Once these milestones are completed, the project will move out of the design phase into the construction phase with a bidding process aimed at the next construction cycle. The work to complete the required assessments for USDA's RD funding has begun in earnest and is proceeding according to plan. Our city's contract engineers are overseeing these tasks with their subcontractors and are keeping all of the funding agencies appraised of their progress at the monthly meetings.

Luckiamute Clinic Business Space — We are continuing to work with Polk County partners as they submit a business assistance grant that would allow businesses in the Luckiamute Clinic Business Space access to technical support for their operations. This assistance would range from in-depth/technical expertise on financials, to general operations to marketing etc. The grant was submitted to Business Oregon and we hope to hear about the result of these collaborative efforts in the coming months. In the meantime, we are also continuing talks with Salem Health to see if they can provide direct health and wellness and/or telemedicine services to Falls City. We recently had a very good conversation about how the various healthcare partners in Polk County can find funding for a medical professional to staff in-person office hours at the clinic. Finally, we have agreed to let another small business share space in the Luckiamute Clinic on a conditional basis until their business license is approved by the council for them to operate in Falls City officially. With this addition, all of the separate rooms in the back of the clinic, as well as the upstairs are now occupied, and we look forward to filling the front room just West of the entrance in the near future.

<u>Cemetery Clean-up</u> — Thanks to the gracious and generous offer by the Polk Cemetery Savers, who have helped Falls City in the past by cleaning up the Falls City Lower Cemetery, clean-up of the Upper Cemetery is ongoing steadily (report is attached in the agenda). Updates on this group's progress can be found on Falls City community Facebook pages. Anyone interested in supporting these community volunteers is encouraged to reach out to the Polk Cemetery Savers. As the weather gets colder and rainier, the volunteers will cease their work until spring, when they will resume and finish their project.

Code Enforcement & Municipal Court — Falls City staff has signed a contract with the city of Dallas for use of their Code Enforcement officer to provide code enforcement services to Falls City on a contractual basis. Mark Lapinskas has toured our community several times, familiarizing himself with the various levels of code non-compliance. As stated previously, his focus will be on health & safety issues first and foremost, as well as being the first line of engagement with the community to fulfill the city's goal to help educate residents on the health & safety aspect of our municipal code. His other duties will include scheduling mitigating efforts with city assistance for those in non-compliance within 2021. As part of the city's communication plan on code enforcement, there will be town halls at the end of October, beginning of December and beginning of January. Since no citations will be issued to properties in non-compliance, until they've had the opportunity to voluntarily address their code infractions, Falls City will not be resuming court services until February. These official proceedings will be held at Dallas' municipal court based on an existing IGA (Intergovernmental Agreement).

Falls Park Loan Close-out — Thanks to an extremely generous contribution to the city of Falls City by John Schoon, a former representative to the Oregon Legislature for the region including Falls City, we have been able to close out the loan for the Falls Park. In addition, fmr. Rep. Schoon donated an extra \$5,000 to be used to clean up and develop the park. We owe fmr. Rep. Schoon a huge debt of gratitude for his dedicated public service and for his generous donation. We look forward to being able to celebrate his generosity with progress in developing the Falls Park for the community and visitors alike. Anyone interested in being part of the clean-up and development of the Falls Park is encouraged to contact the Parks & Recreation committee and City Hall for more information.

<u>DLCD Planning Grant</u> — We're very happy to be able to announce that Falls City has just been awarded a planning grant by the Department of Land Conservation and Development for the sum of \$7,425. This grant will help Falls City to explore redevelopment options for the Greenhaven RV Park and include a code update that addresses tiny homes. Since the award is not official until it has been signed and returned to DLCD, a staff report will be included in the November council meeting that details the grant's deliverables as well as the executed contract.

Sincerely,

AJ Foscoli

Exhibit B

Polk Cemetery Savers Report

Mr. Foscoli.

As of Saturday October 16th, we will have repaired and reset all of the large, loose headstones in the Upper Cemetery. We will still have several small loose headstones to repair and reset before the weather turns cold and wet. We normally can't work past the end of October.

We are now working in the southern section area of the cemetery that has no trees. We believe we will finish 98 of the 120 plots of the upper cemetery map. We will have repaired and reset some of the loose and leaning monuments in plots 99 through 120. Before we finish this year, we will have repaired and reset all of the loose monuments that could have fallen and injured someone. The monuments that are left are small and really pose no danger of injury to visitors. That being said, there is always the possibility of someone leaning heavily or pushing on a monument and toppling it. No one can protect against that.

We have found a lot of broken glass around the headstones. Other cemeteries have restricted the use of glass containers for flowers. I urge Falls City to consider doing the same. Florists now stock plastic containers with points on them specifically to place in the earth around the headstones. The only places these will not work are in the plots that have been concreted over. Plastic flower containers there will have to sit on top of the concrete.

We have found and eliminated in-ground yellow jacket nests. There is one large Hornets' nest (basketball size) across from the porta-potty location 15 feet up in the large fir tree. They didn't bother us. There is a lot of gopher activity at the cemetery. Gophers tunneling under the monuments will cause them to lean over time.

When we return next March, we don't think we will need the porta-potty. It can be removed in November. The rock pile should be enough to finish the rest of the cemetery if no one removes any over the winter.

I estimate we will need about three weeks more work next year weather permitting. We may be working all of March at the cemetery if March is cold and wet.

To date we have spent over 345 hours of volunteer time repairing and cleaning the Upper Cemetery monuments. As a comparison, we spent 459 hours at the Lower Cemetery. We have had to replace two sandstone bases with concrete. It appears as though someone used bleach on the monuments, and it soaked into the sandstone. The bases were damaged badly and were unusable. Bleach causes sandstone to delaminate from the inside. Bleach and other chemicals should not be used in the cemeteries. Water and a soft bristle brush along with a plastic scraper and clean rinse water is all that is needed to clean the headstones. We have sprayed all of the repaired and cleaned monuments with a biocide called D/2. The biological growth should be controlled for about 4 years.

When we are finished this year, I will mark the pieces of old concrete and damaged bases with bright orange marking paint so they can be identified and removed. Some were too large for us to put on the debris pile. The debris pile is in the NE corner North of the access road.

If you have any questions let me know.

Lloyd Collins
Polk Cemetery Savers

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF FALLS CITY AND THE CITY OF DALLAS FOR THE PROVISION OF CODE SERVICES AND RELATED SERVICES

This Agreement is made and entered into by the City of Falls City (hereinafter "Falls City"), an Oregon municipal corporation and the City of Dallas (hereinafter "Dallas"), an Oregon municipal corporation.

RECITALS

- A. Falls City wishes to enter an intergovernmental agreement with Dallas for the provision of code services within Falls City.
- B. Dallas employs code services employees and has the capacity to provide such services on the terms and conditions set forth in this Agreement.
- C. The parties have authority to enter into this intergovernmental agreement pursuant to the powers contained in their respective Charters and ORS 190.010.

AGREEMENT

Now, therefore, with the recitals above acknowledged and incorporated herein, it is agreed by and between the parties as follows:

1. SERVICES PROVIDED BY DALLAS.

Dallas agrees to provide the following services to Falls City:

- Perform 10 hours of Code Services work per week for the duration of this agreement; field schedule will be set by Dallas and may vary week-to-week.
- Provide Dallas official vehicle for use to perform the services of this agreement.
- Provide telecommunications and photographic technology for communications, documentation, scheduling and evidence.
- Provide code services technology for inputting, tracking and reporting on code services complaints, contacts and related service issues.

- Provide monthly activity reports to Falls City by the 10th day of the month following services rendered.
- Provide quarterly reports to Falls City on or around the following dates: Jan. 15, 2022; April 15, 2022; July 15, 2022.
- Receive and respond to complaints from Falls City residents.
- Provide outreach education and information to community members and violators.
- Make first contact with municipal code violators.
- Issue notices of violations.
- Conduct compliance inspections.
- Issue citations, when and where appropriate.
- Process citations through the Dallas Municipal Court, in accordance with that separate Intergovernmental Agreement between the parties for Municipal Court and Related Services.
- Collect court revenues to be distributed to Falls City, in accordance with that separate Intergovernmental Agreement between the parties for Municipal Court and Related Services.

2. OBLIGATIONS OF FALLS CITY

Falls City will:

- Provide three equal payments of \$8,250.00, each; due on December, 15, 2021;
 March 15, 2022; June 15, 2022.
- Arrange for "meet and greet" information, education and introduction events between Dallas staff and appropriate local government and community members during the initial phase (orientation period) of the agreement or by November 1, 2021.
- Provide advance communications to the community prior to the start of field work by Dallas staff.
- Provide any received community feedback in writing to Dallas staff within 10 days of receipt.
- Provide a community map to Dallas staff.
- Provide relevant municipal code documents, if not available online.
- Provide community code enforcement priorities to Dallas staff.
- Discuss with Dallas staff and agree upon an education, information and enforcement process, community need priorities and timelines, seeking a phased-in enforcement approach.
- Provide applicable citations, notices, warnings, parking tags, information handouts, etc. under the name and title of Falls City that Dallas staff may use in the

performance of its services under this Agreement. Information will include direct contact information of Dallas staff.

- Allow for an initial three-week orientation period with actual field work to begin
 the week of October 25, 2021 or upon development and receipt of deliverable
 Falls City outreach materials, whichever occurs later.
- Forward complaints received and issues encountered directly to Dallas staff.
- Provide resources and process direction regarding nuisance abatement;
 abatement costs are not considered to be a part of this agreement.

3. TERM.

The term of this Agreement shall commence on October 1, 2021, and end on June 30, 2022.

4. EMPLOYEES

All Dallas staff employed in the performance of this Agreement shall be employees of Dallas, and Dallas shall remain fully responsible for all taxes, assessments, fees, premiums, wage holdings and other direct and indirect compensation, benefits, and related obligations with respect to its employees.

5. TERMINATION

This Agreement may be terminated by either party without cause upon giving a 180 days' prior written notice to terminate; provided, that distribution of the proceeds of fines and payment of all fees authorized under this agreement that are distributable or payable after the date of termination shall survive the termination of this Agreement.

APPLICABLE LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

COMPLIANCE WITH LAWS

In connection with their activities under this Agreement, both parties shall comply with all Federal, state, and local laws applicable to the work under this Agreement.

8. INDEMNIFICATION

In accordance with the Oregon Constitution and the Oregon Tort Claims Act, to the maximum extent permitted by law, the parties shall hold and save each other, their officers, agents, and employees, harmless and shall defend and indemnify each other from any claims for damages to property or injury to persons which may be occasioned in whole or in part by the acts or omissions of the parties under this Agreement.

AMENDMENTS

To be effective, any amendment to this Agreement must be approved by each party and signed by an authorized representative of each party.

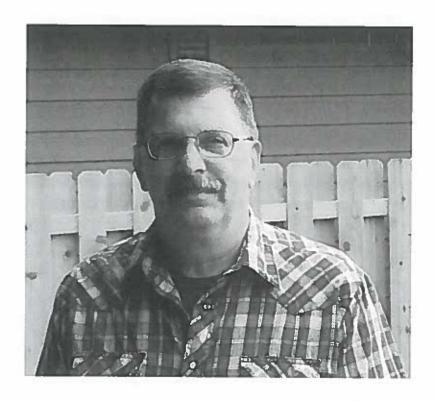
13. COMPLETE AGREEMENT

This Agreement constitutes the entire agreement between the parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change if made, shall be effective only in specific instances and for specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

14. COUNTERPARTS

This Agreement may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart.

CITY OF DALLAS	CITY OF	FALLS CITY
By: Ist that	By:	Tosuli .
Name: BRIAN LATTA	Name:	AJ Foscoli
Title: City Manager	Title:	City Manager
Title: 1/14 / state of the	Date:	9/28/2021
Date: 9/14/2011		



Mark Lapinskas

Code Services Specialist for the City of Dallas since September 2019 Master's Degree - Bellevue University, Bellevue N.E.

Background/Positions:

Law enforcement background including chief of police, Mayor of Kendrick, Idaho, Loss Prevention and operations Manager for two fortune 500 companies.

Mark has worked in Code Services for the last two years and enjoys serving the community and is looking forward to working with the community of Falls City.

City of Falls City Performance Evaluation

City Administrator

PURPOSE

The purpose of the employee performance evaluation and development report is to increase communication between the City Council and the City Administrator concerning the performance of the City Administrator in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives that assist in the achievement of the City Council goals. This performance evaluation is intended to promote efficient and effective performance and to identify good performance and to identify areas where improvement could result in more efficient and effective performance.

PROCESS

The City Council shall conduct an annual review and evaluation of the City Administrator's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement. It shall also be the basis for contract extension and compensation decisions.

1. If the criteria, standards and policy directives change, a public process is to be followed as outlined in ORS 192.660 (1)(i).

2. The timeline for the process is as follows:

WHO	WHAT	WHEN
Councilors & Mayor	Receive Evaluation Form	November 8, 2021
City Administrator	Prepares self-evaluation in narrative form	November 8, 2021
Councilors	Complete forms – turn in to Mayor (all forms must be signed and dated)	November 22, 2021
Mayor	Tabulate and summarize results of Council forms	December 4, 2021
Mayor	Distribute composite evaluation form and Admin self-evaluation	December 10, 2021
Council, City Administrator	Executive session meeting to review (Admin may call for open session)	December 13, 2021